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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,531	02/08/2002	Kevin Gage	3464-031	3398
23440 7590 07/23/2009 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601				
EXAMINER BILGRAMI, ASGHAR H				
ART UNIT 2443		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: KEVIN GAGE

Application No. 10/072,531
Technology Center 2400

Mailed: July 23, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 20, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed November 7, 2008 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified. The appellant did not identify Claim 18 in the Appeal Brief filed November 7, 2008.

A Supplemental Appeal Brief is required for the Grounds of Rejection to be Reviewed on Appeal.

CONCLUSION

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed on November 7, 2008 defective;
- 2) notify Appellant to file a Supplemental Appeal Brief with the correct information for the Grounds of Rejection,

- 3) consider the Supplemental Appeal Brief and if it is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplemental Appeal Brief; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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